

REMARKS

This paper is submitted in response to the Office Action for the above-identified application mailed June 23, 2006.

Before discussing the Office Action and this Response, the undersigned representative calls to the attention of the Examiner that the representative is submitting this paper pursuant to the general authority granted under 37 CFR Sec. 1.34. Within six (6) weeks of the mailing of this paper, a new Power of Attorney signed by the Assignee's agent should be submitting explicitly designating this representative to act with regard to this application. If this paper is not in the Examiner's file for this application at the time this Response is reviewed, the Examiner is encouraged to contact the designated representative, Trent English, to discuss this matter.

At the time the new Power of Attorney is filed, the Applicants will file an Amendment Under 37 CFR 1.48(b) correcting the inventorship due to the amendment of the claims. Action on that Amendment is requested at the time this Amendment is reviewed.

In the Office Action, Claims 1-4, 7-13, 16-19, 179-181 were rejected under 35 U.S.C. Sec. 102 for being anticipated by Archibald, U.S. Patent No. 4,236,880. Claims 5-6, 14-15, 182 were rejected under 35 U.S.C. Sec 103 for being unpatentable over Archibald in view of Jacobsen, U.S. Patent No. 5,807,075

Initially, under cover of this Response, the title of the application has been amended so as to more precisely indicate the invention to which the claims are directed.

Amendments have been made to the abstract, specification and drawings. No new matter has been added.

With regard to the claims, last presented Claims 1-19, 179-182 are now canceled. Newly presented Claims 183-201 are the only claims now present in the application. Claims 183, 189 and 195 are the independent claims.

Applicants' claimed medication delivery system includes a reservoir in which medication is stored and a pump chamber from which medication is pumped from the reservoir. Inlet and outlet valves control fluid flow into and out of the pump chamber. These valves are normally driven so that, when one valve is open, the other is closed. The system recited by the independent claims of this application further include an actuator that, per Claim 183, when in a first position, "simultaneously holds both said valves in the open state" and, when in a second position, allows the valves "to cycle between the open and closed states."¹

In the Office Action, Archibald's components 20, 96, 98, 102, 118 and 120 were cited for being an actuator.² Archibald's 20 is a latch used to hold his top cover 18 in a closed position.³ Archibald's 96 is his drive shaft. The 98 and associated 102 are the valve cams that are driven by the drive shaft. There is no indication that these components are assembled to allow both valves to be simultaneously opened. In fact, Archibald states the opposite:

[V]alves 44 and 46 are driven so that at least one of the two valves is closed at *all* times. (*Emphasis Added.*)⁴

The 118 is a coder wheel that provides a signal indicating if the shaft is turning.⁵ Archibald's 122 is a shaft that is

¹ Claim 189 states that the claimed actuator has "engage" and "disengaged" states. Claim 194 recites that the actuator has "engaged" and "disengaged" positions.

² Office Action, page 3.

³ U.S. Patent No. 4,236,880, column 13, lines 21-23 and Figure 20.

⁴ *Ibid.*, column 6, lines 48-49.

part of a pressure sensor assembly. In the event the sensed pressure exceeds a limit, this assembly asserts an alarm.⁶ There is no indication that, in the event there is an excess pressure state, this sub assembly modifies the opening/closing sequence of the valves.

Jacobosen merely discloses a pair of valve levers 228a and 228b that "normally closed [their] respective valves."⁷ He fails to disclose any component that simultaneously holds the valves open.

The actuator of claimed medication delivery system simultaneously holds both valves that lead to the pump chamber open. This feature means that, post manufacture of the system, a sterilization fluid can be easily introduced into all of the interior spaces of the system in which the medication is stored and from which it flows. Without this actuator, during the sterilization process, one would have to actuate the inlet and outlet valves to ensure there is complete fluid flow through these spaces.

Thus, the prior art, even when combined, fails to equal a medication delivery system having either the features or advantages of the system recited by Applicant's independent Claims 183, 189 and 195. Therefore, these claims are directed to an assembly that is a non-obvious departure from the prior art.

The dependent claims are allowable at least because they depend from allowable independent claims.

Furthermore, independent Claim 195 and dependent Claims 186-188, 190-194, 196-201 are further directed to the version of the claimed invention wherein there is a plunger or

⁵ *Ibid.*, column 10, lines 13-15.

⁶ *Ibid.*, column 10 line 41 to column 11 line 10.

⁷ US Patent No. 5,807,075, column 7 lines 3-13.

driver that, upon attachment of a tube set to an outlet port is displaced to force a like movement of the actuator from the engaged to disengaged position. This feature of the invention automatically makes the pump ready for use when a tube set is so connected. Neither Jacobsen nor Archibald disclose a similar drive member.

Thus, at least these claims are further in condition for allowance because they are independently directed to an invention that is a non-obvious departure from the prior art.

In conclusion it is respectfully submitted that all the claims of this application are directed to a patentable invention and are in an allowable form. Since the claims, as well as the other parts of this application are in an allowable state, the Applicants now courteously solicit prompt issuance of a Notice of Allowance.

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Respectfully submitted,

David S. Goldenberg

David S. Goldenberg
Reg. No. 31,257
Cust. No. 51017
INTEL. PROP./RND
STRYKER CORPORATION
4100 EAST MILHAM AVENUE
KALAMAZOO, MI 49001-6197

Attached: Annotated Drawing Sheet
Replacement Drawing Sheet

AMENDMENTS TO THE DRAWINGS

The Applicants now amend the drawings of this application. Attached hereto is a marked-up drawing sheet with the below proposed changes marked. A replacement drawing sheet with the changes entered is also enclosed.

Figure 5

Changed identification number "62" associated with the piston slot to "61". This change is made to correct the inadvertent double use of identification number "62". Appropriate changes have been made to Paragraph 73 in the specification.

